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April 23, 2001

MEMORANDUM FOR THE ATTORNEY GENERAL

FROM: Sheryl L. Walter
Acting Assistant Attorney General
Sheryl L. Walter

SUBJECT: Weekly Report for April 23, 2001 - April 27, 2001

THIS WEEK

Senate Appropriations Subcommittee Hearing. On Thursday, April 26, you will testify before the Commerce, State, Justice Subcommittee (Gregg, Chair) on the Department's FY 02 budget request. (Daley)

Council of Europe Cyber Crime Convention: On Wednesday, April 25, representatives of OLA will accompany the staff from the Office of Deputy Attorney General and the Criminal Division to brief staff on the Joint Economic Committee. The briefing, at the request of the Committee, will provide background on the Council of Europe and status of current draft. (Daley)

Changes in the Election Process: The House Administration Committee (Ney, Chairman) will hold a hearing on improving the election process on April 25. The witnesses will be secretaries of state from Florida, Ohio, Kansas, Arkansas, and New Mexico and representatives of the Voting Integrity Project, National Federation of the Blind, the American Legion, National Association of Counties, and the Speaker of the Utah State Legislature. (Scott-Finan)

Hassen-Polygraph: The Senate Judiciary Committee has scheduled a hearing on April 25 on issues surrounding the use of the polygraph, triggered in part by the polygraph testing of employees after Hassen's arrest. No Department or FBI witnesses were asked to testify. (Walter)

SPAM: The Senate Commerce Committee is planning to hold a hearing on S. 380, an anti-spam bill, on Thursday, April 26. Spam is unsolicited (usually bulk) electronic mail. Members of the Committee had previously asked for the Department's written views. Also, the Department has prepared, at the request of OMB, a views letter on H.R. 718, an anti-spam bill that was reported by the House Energy and Commerce Committee on April 4. Both views letters are now awaiting OMB clearance. (Owen)

Nominations: Both Ted Olson and Larry Thompson responded to written questions received from members of the Senate Judiciary Committee. Chairman Hatch stated that he intended to hold a markup on April 26 with their names on the agenda to be considered for a vote by the full Committee.

The nomination of Viet Dinh to be Assistant Attorney General for Office of Policy Development was sent to the Senate on April 23.

Both Charles James and Dan Bryant will be meeting with Senators McConnell, DeWine, Schumer, and Durbin this week; Charles James will also be meeting with Senator Cantwell. (Scott-Finan)

Bureau of Prisons: On April 23, BOP staff, accompanied by OLA staff briefed House Crime Subcommittee staff on the BOP budget. The House Judiciary Crime Subcommittee has tentatively scheduled a hearing on federal prison industries for April 26. BOP Director Kathy Hawk Sawyer and BOP Assistant Director Steve Schwalb will be witnesses for the Department. (Scott-Finan)

SW Border - Prescription Drugs: We are continuing to discuss with staff of the House Committee on Energy and Commerce an appropriate accommodation respecting their request for documents relating to enforcement of the Controlled Substances Trafficking Prohibition Act of 1998, Public Law No. 105-357. This Act allows individuals to bring into the United States from another country up to 50 doses of controlled substances (other than Schedule I) without a prescription. We have provided all but a small group of internal deliberative documents. We expect a substantive meeting on the issue on April 30, 2001, to include the Committee and representatives of Customs, FDA/HHS, DEA, and OLA. (Tanner)

THE WEEK AHEAD

House Commerce, State, Justice Subcommittee Hearing: On Wednesday, May 1, you will testify on the Department's FY 2002 budget request before the subcommittee (Wolf, Chair). (Daley)

Antitrust: Acting Assistant Attorney General John Nannes will testify at a May 17 hearing before the Senate Appropriations Subcommittee on Agriculture, concerning agricultural market concentration. (Slover)

Eastern District of California: Both Senators and 11 House Members from California have requested a briefing from FBI Director Freeh and DEA Administrator Marshall as they are concerned that the Eastern District of California has a lower number of FBI and DEA agents than the other districts. (Tanner, Coughlin)

Product Liability: Targeted product liability reform is expected to be introduced in the House and Senate shortly after members return from the spring recess. According to published reports,

Republican and Democratic sponsors in both chambers support legislation that would cap punitive damages for small businesses and limit the liability of non-manufacturer product sellers of any size. Congress Daily reports that, substantively, the House and Senate bills are expected to be similar, although neither will be identical to legislation that was approved by a narrow margin in the House last year. In the House, Representative Asa Hutchinson (R-Ark.) is expected to introduce the legislation, along with Representative Tim Holden (D-Pa).

Already pending before the House Judiciary Committee is legislation introduced last month by Representative Steve Chabot (R-Ohio) to establish a "statute of repose" that would prohibit the filing of a civil action against a manufacturer or seller of a durable good after more than 18 years. The House passed this legislation last year, but it died in the Senate. (Wilson)

House Government Reform Committee - Pardons: The Committee's requests for documents about Executive grants of clemency on January 20th remain under consideration within the Department. The principle issue for determination is the appropriate parameters of Congressional oversight regarding the clemency process. Once those parameters are more clearly defined, we will be better equipped to respond to the Committee's requests, which encompass clemency records regarding eighteen individuals in addition to requests for DEA records regarding Carlos and Horatio Vignali. Documents relating to Marc Rich and Pincus Green, which also were requested by the Committee, are under review in the Criminal Division and we hope that they can be released to the Committee in the near future.

House Government Reform Committee - Campaign Financing: The Committee seeks an interview with former Campaign Financing Task Force Chief Robert Conrad about the status of several matters within the purview of the Task Force. This request is under review within the Criminal Division; Mr. Conrad has now returned to the United States Attorney's Office in North Carolina. Last week, we provided documents in response to the Committee's recent request for documents supplied to the Department by Mr. James Riady, who was the subject of a Task Force investigation.

THE WEEK IN REVIEW

Worker Exploitation: On Tuesday, April 17th, Civil Rights and OLA briefed staff from Congressman George Miller's office on the application of the new trafficking in persons legislation and its applicability to a current worker exploitation case in Samoa. (D.Burton)

Cincinnati: On April 17, staff from the Community Relations Service accompanied by OLA staff briefed staff for Senators DeWine and Voinovich and staff for Congressmen Portman and Chabot about their activities in Cincinnati following last week's police shooting. Congressman Portman met with the Community Relations Service mediators in Cincinnati on April 18 and has requested a meeting with the Civil Rights Division for this week. (Scott-Finan)

Radiation Exposure Compensation Act (RECA): On Wednesday, April 18, staff from OLA, CIV and JMD met with staff from the House and Senate Judiciary Committees to discuss the Administration's budget request for the RECA. (Pearlman)

INS Restructuring Meeting: On April 18, Representatives from OLA, ODAG, and INS provided Diana Schacht from White House Domestic Policy the first briefing and overview regarding INS Restructuring, including legislative history and INS proposals. (Miller)

Consequences for Juvenile Offenders Act of 2001: On Thursday, April 19, the Department sent its views on H.R. 863, "Consequences for Juvenile Offenders Act of 2001" to the House Judiciary Committee. Full committee markup has already occurred on this bill, and House floor consideration is expected in the next few weeks. We support the bill.

Community Relations Service: On April 20, Jonathan Chace, the Acting Director of the Community Relations Service, briefed staff for Senator Lott about the work of the Community Relations Service. He was accompanied by staff from OLA.

Hanssen: On April 19, representatives from the Criminal Division and OLA, joined by CIA, FBI, and NSA, met with Senate Intelligence Committee staff to discuss matters related to the case. On April 17, representatives from the Criminal Division and OLA joined the CIA and FBI in briefing cleared House Appropriations staff on the matter. On April 10, DOJ representatives for the Criminal Division and OLA attended a briefing by the State Department for Senate Foreign Relations Committee staff on the operation of State's Office of Foreign Missions, to which Hanssen had been detailed. The Senate Select Committee on Intelligence has scheduled a tentative hearing on the Hanssen case on May 3, at which FBI Director Freeh and Attorney General Ashcroft may be asked to testify. (Walter)